
Affidavit and Order to Terminate Income Assignment for Child Support

This form is used to inform the court, the other party, and the State (if a party) that you are requesting to stop the income assignment for child support because the last or only child has turned 18 and graduated (or will) before May 31st. **If you do not complete this form, the current income assignment for child support will end on May 31st following the child's 18th birthday.**

This request does NOT require that you or the other party appear in court. You are encouraged to seek legal assistance to verify that these forms are the most appropriate for your situation, as court staff, including those in the Court Self-Help Center, cannot give legal advice.

Procedural Checklist

1. ☐ Complete the **Affidavit and Order to Terminate Income Assignment for Child Support**.
2. ☐ You may go to the Family Court Self-Help Center, Courthouse Room C-108, to have your forms reviewed for completeness.
3. ☐ Make four (4) copies of the form and supporting documents (make 6 if the State is a party).
4. ☐ Send a copy of the form and all supporting documents to the other party and to the Waukesha County Child Support Division (if the State is a party to the action) in Room 348 of the Administration Center (1320 Pewaukee Rd).
5. ☐ Prepare two (2) **stamped** envelopes. Address one to you and one to the other party. If the State is a party, include one unstamped envelope addressed to the Waukesha County Child Support Division.
6. ☐ Go to the customer service window of the Family Court Office in room C-112 to file the original, the remaining copies, and the envelopes.
7. The court will hold the documents for five days to wait for an objection, review the documents, and either:

approve and send each party a copy of the signed Affidavit and Order (if you provided the self-addressed stamped envelopes). It will become part of the official court record and the income assignment for child support will terminate accordingly.

Or

not approve and provide an explanation.

In re the ☐ Marriage ☐ Paternity of _____:
(initials)

Petitioner / Joint Petitioner

and

Respondent / Joint Petitioner

☐ STATE OF WISCONSIN is NOT a party

☐ STATE OF WISCONSIN IS a party

Affidavit and Order to Terminate Income Assignment for Child Support for Last or Only Child

Case # _____

AFFIDAVIT

Mark with an **X** if you
are the mother or
father.

Enter the date [month
day, year] the child
support was ordered
and the amount that
you are supposed to
pay each month.

Enter the date [month
day, year] the child
turns 18.

Enter the actual or
anticipated date of
graduation.

You must obtain and
attach proof from the
child's school that
he/she has or will
graduate and the date
that the school
anticipates him/her to
graduate.

You must send a copy
to the other party(s)
before you file it with
the court. Mark the
box and enter the date
[month day, year] you
will be providing the
copies to the other
party(s).

1. I am the ☐ **Mother** ☐ **Father** in this case.
2. I was ordered on _____, _____ to pay child
support in the amount of \$_____ **per month**.
3. Under the rules of the Waukesha County Family Division, the current income
assignment for child support will not terminate until May 31st following the date
when the last or only child turns 18.
4. The last or only child in this case has or will turn 18 on
_____, 20____ and has graduated or is anticipated to
graduate on _____, 20____, both of which occur before
May 31st. I understand that I am not obligated to continue to pay child support
once the child turns 18 and graduates, therefore this affidavit is made in support
of my request to terminate the current income assignment for child support on
the date of graduation or the child's 18th birthday, **whichever is later**.
5. **Attached is proof from the school of the child's anticipated or actual
graduation date.**
6. ☐ **Before** I filed this with the court, I will on _____, 20____
provide a copy of this **Affidavit and Order** and required attached documents to
the other parent, and to the Waukesha County Child Support Division, if the State
is a party to the action, **for review under the five-day rule**.

STOP!
Take this document to a Notary Public BEFORE you sign it.

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

Have the Notary Public sign, date, and seal the document.

Signature

Name Printed or Typed

Date

Subscribed and sworn to before me on _____

Notary Public, State of Wisconsin

(Seal)

My commission expires: _____

ORDER

IT IS HEREBY ORDERED that the income assignment for the payer's current child support obligation shall terminate as set forth in the above **Affidavit to Terminate Income Assignment for Child Support for Last or Only Child** on the date of graduation, or the child's 18th birthday, whichever is later.

IT IS FURTHER ORDERED that any income assignment shall remain in place until all arrears, debts, costs, and fees are paid in full, unless there is an Order that directs a different payment plan.

IT IS FURTHER ORDERED that both parents shall notify the Clerk of Courts and the Waukesha County Child Support Division within ten (10) days of any change of address or change of employers. Send notice to:

Clerk of Circuit Court
Family Court Division AND
PO BOX 1627
Waukesha, WI 53187-1627

Waukesha County Child Support Division
Administration Center, Room 346
1320 Pewaukee Road
Waukesha, WI 53188

BY THE COURT:

For Court Use Only

Circuit Court Judge/Circuit Court Commissioner

Print or Type Name

Date

RULES OF THE WAUKESHA COUNTY CIRCUIT COURT FAMILY COURT DIVISION

Rule 3.2 Vacation or Maintenance of Income Assignment after 18th Birthday of Child

For cases involving a single child, or one remaining minor child, any order for income assignment for current child support shall be terminated once the child turns 18 years of age and has graduated from high school or age 19 if the child is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent. Unless an Order exists which provides a specific date for termination of child support, the following shall apply:

- a. Any income assignment for current child support shall be terminated on May 31st following the last remaining child's 18th birthday.
- b. If the child is still pursuing a high school education, any party may file a written request with the court including an affidavit with proof of the child's continued high school enrollment and date of anticipated graduation. Such request and affidavit shall be provided to any other party. Upon receipt of such request with report of notice, and expiration of the time to object under the local five-day rule, the income assignment for current child support will be continued through the anticipated date of graduation.
- c. Where the remaining child has turned 18 years of age and has or is about to graduate from high school, to terminate the current child support income assignment, a party may file a request with an affidavit containing proof of the child's graduation (e.g. copy of diploma or letter from the school regarding date of graduation or anticipated graduation). Such request and affidavit shall be provided to any other party. Upon receipt of such request with report of notice, and expiration of the time to object under the local five-day rule, then the income assignment for current child support will be terminated upon that graduation date.

Although an income assignment for current child support may be terminated, an income assignment shall continue in effect until any arrearage is paid in full pursuant to section 767.265(1m) Wis.Stats., unless there is an Order that directs a different payment plan on arrears.

This rule does not alter any order for the payment of child support, but only affects issuance and vacation of income assignments.

This rule does not apply where there continues to be one or more children under the child support order. For cases involving multiple children under the age of 18, modifications of any income assignment must be done by court order.